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6 M. CHARLOTTE CHEATHAM,
7 Plaintiff,

8 v.
9 NCUA NATIONAL CREDIT UNION
10 ADMINISTRATION,
11 Defendant.

12 Case No. 22-cv-04309-JSW

13 **ORDER TO SHOW CAUSE
14 REGARDING PENDING MOTION TO
15 DISMISS AND VACATING HEARING
16 DATE AND CASE MANAGEMENT
17 CONFERENCE**

18 Re: Dkt. Nos. 5, 14, 15, 16

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21 Defendant National Credit Union Administration (“Defendant”) moves to dismiss the
22 removed complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of jurisdiction,
23 pursuant to Federal Rule of Civil Procedure 8(a) for failure to provide a plain statement of the
24 claim, and pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon
25 which relief can be granted. (Dkt. No. 5.) The motion is calendared to be heard on September 9,
26 2022, at 9:00 a.m. (Dkt. No. 15.)

27 Separately, the Court has set a case management conference for October 28, 2022, at 11:00
28 a.m. (Dkt. No. 14.) The Court has received what appears to be Plaintiff’s objection to the order
29 setting the case management conference. (Dkt. No. 16.)

30 Under the Northern District Civil Local Rules, Plaintiff’s response to the pending motion
31 to dismiss was due to be filed no later than August 18, 2022. Although this case was reassigned,
32 the reassignment did not alter the briefing schedule. (Dkt. No. 13.) To date, Plaintiff has not filed
33 an opposition.

1 The Court VACATES the hearing on the motion to dismiss scheduled for September 9,
2 2022. The Court VACATES the initial case management conference set for October 28, 2022,
3 and shall reset a case management conference, if necessary, by further order.

4 The Court HEREBY ORDERS Plaintiff to show cause why the Court should not grant
5 Defendant's motion to dismiss as unopposed or, alternatively, why the Court should not dismiss
6 the matter for failure to prosecute. Plaintiff's response to this Order to Show Cause and any
7 opposition to Defendant's motion shall be filed by no later than **September 9, 2022, at 4:00 p.m.**
8 If Plaintiff fails to respond by that date, the Court shall dismiss this case without prejudice for
9 failure to prosecute.

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IT IS SO ORDERED.

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Dated: August 26, 2022

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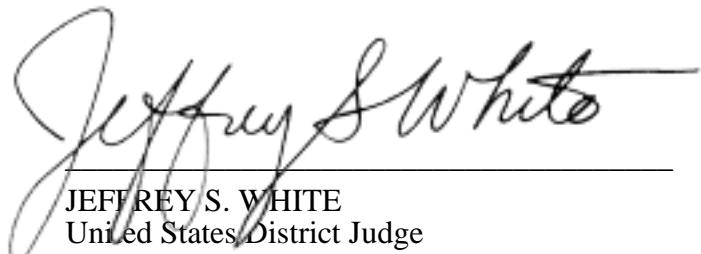
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United States District Court
Northern District of California



JEFFREY S. WHITE
United States District Judge